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May 22, 2006

**VIA FAX: (405) 842-2913**

Robert Allen Nance  
RIGGS, ABNEY, NEAL, NEAL, TURPEN,  
ORBISON & LEWIS  
5801 N. Broadway, Ste. 101  
Oklahoma City, OK 73118

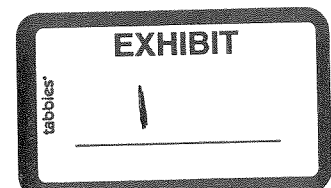
Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*

Dear Mr. Nance:

In the privilege log attached to the State's Objections and Responses to Cobb-Vantress Inc.'s First Set of Discovery in the above-referenced case, you have listed various companies and state and federal agencies as author of documents which are being withheld under a claim of attorney-work product. I assume that Camp, Dresser and McKee, Inc., Ace Aerial, Accurate Environmental Testing, and Lithochimeia, Inc. are all experts or laboratories retained by the State in connection with this case. Can you please confirm that for me?

In addition, please provide an explanation for your assertion at Item Nos. 239 and 241 that documents authored by the United States Geological Survey constitute the attorney-work product for the State of Oklahoma in this case. Similarly, please provide an explanation of the basis for your privilege claims with respect to Item Nos. 267-275 which appear to be e-mails among Oklahoma Water Resource Board personnel concerning an "Illinois River Basin request" and "Illinois River Watershed data." From the description provided for those items I am unable to discern whether the documents at issue were sent by or to any attorney for the State of Oklahoma, nor am I able to determine whether the subject matter of the documents relate to sampling being conducted specifically in connection with the pending litigation.

Finally, please provide more specific information relating to the documents described in Item Nos. 278 and 279. Your generic description of correspondence to "various state agencies" is inadequate. Please provide the identity of the state agencies involved, the dates of the correspondence at issue and a more specific description of the subject matter of the correspondence.



**KUTAK ROCK LLP**

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Your prompt attention to the above requests would be greatly appreciated.

Cordially,

  
Robert W. George

cc via e-mail: Stephen Jantzen  
Patrick Ryan  
Mark Hobson  
Jay Jorgenson